REMARKS

Claims 1-2, 4-7, 19-22 and 26, 27, 29 and 31-47 are pending in the application and stand rejected.

Objections to the claims

The claims stand objected to for reciting "means storing." The appropriate claims have been amended to recite "means for storing" as per the Examiner's suggestion and the Examiner is requested to kindly withdraw this objection.

Rejection under 35 U.S.C §112

The claims stand rejected under 35 U.S.C. 112 for lacking antecedent basis for "the platform" and "the data" or "that data." The appropriate claims have been amended to recite "the computer platform" or "the particular data" as per the Examiner's suggestion and the Examiner is requested to kindly withdraw this rejection.

Rejection under 35 U.S.C §103

Claims 1-2 and 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,092,147 to Levy et al. in view of U.S. Pat. No. 7,124,938 to Marsh. In particular and with respect to claim 1, the Examiner finds that Levy teaches all claimed limitations with the exception of the specifics of using a public key/private key pair for signature verification, that Marsh provides such details, and that it would have been obvious to the skilled person to Levy as per Marsh and thereby arrive at the claimed invention. Applicants respectfully disagree.

Applicants' best understanding of the Examiner's rejection, as based upon his citation to various (and voluminous) portions of Levy, is that the Examiner views Levy's tamper-resistant package 66 as corresponding to the present trusted module, and the authenticity verifier of Levy as corresponding to the presently claimed license-related code comprising a secure loader for checking for data integrity before installation, and Levy's front end bytecode verifier 68 as

reading upon the presently claimed means storing a hashed version of the license-related code signed with the third party's private key. It is this last assertion that Applicants are in most disagreement with.

Levy describes the front end bytecode verifier 68 (at col. 6 ll. 10-27, as per the Examiner) as using, *inter alia*, a hash value of the received bytecodes to verify the bytecodes. The bytecodes of Levy are not the authenticity verifier, but rather they are executable code that is received by Levy's computer platform, verified by the verifier that they are in proper form for execution, and then authenticated by the authenticity verifier. The claimed means storing a hashed version of the license-related code signed with the third party's private key, on the other hand, store a hashed version of the actual operating code of the computer platform - in Levy's system, e.g., these means would store a hashed version of the *authenticity verifier*. There is nothing akin to this in Levy - i.e. any teaching or allusion to hashing part of the code of the VM (virtual machine) itself, nor of signing it with a third party's private key. This is of significance because the present invention, unlike Levy, provides a method for a user intending to interact with the computer platform to gain trust that the computer platform has not been subverted. Levy, on the other hand, only teaches means for the computer platform (a smartcard) to verify that code being loaded onto it for executing can be trusted. There is nothing in Levy that teaches a method for a user of the smartcard or another computer platform interacting with the smartcard to verify the integrity of the smartcard before the code (the bytecodes) are loaded onto the card.

Thus, there is also nothing in Levy that discloses the presently claimed means for integrity checking the license-related code with reference to the signed version and the public key certificate and preventing the license-related code from being loaded if the integrity check fails. The Examiner cites to col. 9 ll. 1-25 of Levy as allegedly disclosing this feature, but this is not in fact correct. The cited portion describes the operation of the authenticity verifier, which may use asymmetric digital signatures (i.e. public/private key pairs) to verify the authenticity of the bytecodes received prior to executing the bytecodes. Thus, again, Levy is concerned with protecting the computer platform (the smartcard) in case the code loaded for execution onto the platform has been subverted, whereas the presently claimed invention is concerned with protecting a user of the computer platform in case the computer platform itself has been subverted.

Applicants thus respectfully submit that the Examiner's interpretation of Levy is in fact not correct and request him to kindly reconsider the reference in light of the above arguments and withdraw all rejections based on Levy.

Applicants further note on the record that they do not agree with the Examiner's holding of obviousness to combine Levy and Marsh nor with his proffered motivation to do so.

Applicants also note that although claims 19-22 and 26, 27, 29 and 31-47 are indicated in the Office Action Summary as standing rejected, there is no specific discussion of these claims anywhere in the body of the Action. However, Applicants submit that the above arguments are equally probative of the novelty and nonobviousness of these claims over the art on record.

Thus, in light of all of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025, including the excess independent claim fees due. Furthermore, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.
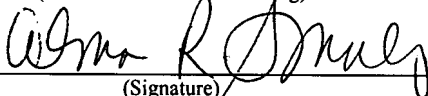
I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,

July 23, 2007
(Date of Transmission)

Alma Smalling
(Name of Person Transmitting)
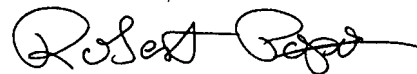
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